

Appl. No. 10/764,931
Atty. Docket No. CM2491D
Amdt. dated February 20, 2007
Reply to Office Action of November 24, 2006
Customer No. 27752

REMARKS/ARGUMENTS

Claims 2 and 6 are under consideration.

Applicants thank the Examiner for the withdrawal of the rejections to Claims 2 and 6.

Rejections Under 35 USC §103(a) over U.S. 5,929,007 (Feng et al.) or JP-141800 both in view of U.S. 2002/0010106 (Uchiyama et al.)

Claims 2 and 6 stand rejected over Feng et al. or JP-141800, both in view of Uchiyama et al..

Applicants submit that as amended, Claim 2 is not taught or suggested by Feng et al. or JP-141800 in view of Uchiyama et al.. Specifically, the claimed combination for the solvent system in combination with a surfactant and cyclodextrin a liquid surface tension of less than 24.5 mN/m and an average droplet size when sprayed of from about 3 μ m to about 10 μ m. As such, Applicants request that the rejection under 35 U.S.C. §103(a) be withdrawn.

Double Patenting Rejection

Claims 2 and 6 have provisionally been rejected on the ground of nonstatutory obviousness-type double patenting over claims 36-40 of copending application no. 09/909233 in view of Uchiyama et al. or claims 30-35 of 09/909288 in view of Uchiyama et al..

If an when any patentable subject matter is identified, Applicants shall submit the necessary terminal disclaimer to overcome the double patenting rejection.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §103(a). Early and favorable action in the case is respectfully requested. Applicants' attorney invites the Examiner to contact her at the information below with any questions he may have regarding the above referenced application.

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This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 2 and 6 is respectfully requested.

Respectfully submitted,

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